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Letter dated 21 October 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council

I have the honour to refer to the attached letter dated 3 October 2005 from the Permanent Representative of the Principality of Liechtenstein to the United Nations regarding the Committee's list maintained pursuant to Security Council resolution 1452 (2002). The Committee considered the content of the letter on 7 October 2005 at its informal consultations and decided to forward it to you for issuance as a document of the Security Council, in accordance with the request contained therein.

(*Signed*) César **Mayoral**
Chairman
Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

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Annex to the letter dated 21 October 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council

List of States in accordance with paragraph 3 of Security Council resolution 1452 (2002)

In a note verbale addressed to the Committee and dated 8 February 2005, I referred to Security Council resolution 1452 (2002). According to paragraph 3 (a) of that resolution, the Committee maintains a list of States that have notified the Committee of their intent to apply humanitarian exceptions from the sanctions regime in accordance with the provisions of paragraph 1 (a) of the resolution and as to which there was no negative decision by the Committee. In the interest of transparency and effectiveness of the implementation of the sanctions regime and its humanitarian exceptions, I requested in that note verbale that the Committee make that list available to interested Member States through the Secretariat.

Upon request by the Committee, we provided additional reasons for our request on 19 April 2005. On that occasion, we underlined that the provisions on humanitarian exceptions established by resolution 1452 (2002) are an important feature of the Al-Qaida and Taliban sanctions regime and a valuable tool for safeguarding human rights and due process standards in the application of sanctions. They thus facilitate the implementation of counter-terrorism measures by Member States. The implementation of the sanctions regime, including its humanitarian exceptions, would further strengthened if Member States were able to be fully informed of the practice of the Committee in response to the notifications of Member States. Such information would be useful for the handling of potential cases of humanitarian exceptions arising at the national level. In addition, greater transparency in the Committee's practice on humanitarian exceptions might also improve the perception of the sanctions regime as a balanced set of measures, respectful of international standards of human rights and due process. In this regard, beyond the publication of the list of notifying States, full disclosure of the cases presented to the Committee and the respective decisions would be desirable. However, as a minimal step in that direction, access for all Member States to at least the information foreseen in paragraph 3 (a) of resolution 1452 (2002) would to some degree enhance transparency and facilitate the application of the provisions of the relevant Security Council decisions.

In a letter dated 1 August 2005, you informed me that the Committee, after extensive consultation, has not been able to agree to make the list available.

I wish to convey to you my feelings of regret that the Committee has decided not to take a minimal measure of increased transparency in the handling of requests for humanitarian exceptions, which would have been in the spirit of the ongoing efforts to enhance the involvement of States not members of the Council in its work,

as well as a contribution to the effectiveness of the sanctions regime imposed by the Council. I kindly request that the present letter be issued as a document of the Security Council.

(*Signed*) Christian **Wenaweser**
Ambassador
Permanent Representative